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REMARKS**I. Introductory Comments**

The Office Action includes new grounds for rejecting claims 1-14, 16, 18-24, and 26-30 of the present application. In particular, the Examiner rejected: (1) claims 1-5, 8-12, 16, 21-24, and 30 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0137945 (hereinafter "Takagi") combined with U.S. Patent No. 6,529,602 (hereinafter "Walker") and further in view of U.S. Patent Application Publication No. 2003/0032447 (hereinafter "Bulthuis"); (2) claims 6 and 13 under 35 U.S.C. §103(a) as being unpatentable over the combination of Takagi, Walker, and Bulthuis, and further in view of U.S. Patent Application Publication No. 2002/0160751 (hereinafter "Sun"); (3) claims 7, 14, 18, 26, and 27 under 35 U.S.C. §103(a) as being unpatentable over Takagi combined with Walker, Bulthuis, and Sun, and further in view of U.S. Patent No. 6,072,860 (hereinafter "Kek"); and (4) claims 19, 20, 28, and 29 under 35 U.S.C. §103(a) as being unpatentable over Takagi combined with Walker, Bulthuis, Sun, and Kek, and further in view of U.S. Patent Application Publication No. 2003/0012346 (hereinafter "Langhart").

For the following reasons, Applicants respectfully request favorable reconsideration of the presently pending claims. No amendments have been made in this paper. Claims 15, 17, and 25 were cancelled previously. Therefore, claims 1-14, 16, 18-24, and 26-30 remain pending in the application. Claims 1, 8, and 22 are in independent form.

Further, Applicants believe that there are also reasons other than those set forth below why the pending claims are patentable, and reserve the right to set forth those reasons, and to argue for the patentability of claims not explicitly addressed herein, in future papers. For example, Applicants note that a number of the references have filing dates that are essentially contemporaneous with the filing date of the present application. Therefore, while the references are addressed in this response on the merits, Applicants do not concede that the references are in fact prior art to the present application and reserve the right to file a declaration pursuant to 37 CFR § 1.131 and/or to take any other action permitted to pre-date one or more of the references discussed in this response.

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II. Rejection of Claims 1-5, 8-12, 16, 21-24, and 30 under 35 U.S.C. §103(a) as being unpatentable over Takagi, Walker, and Bulthuis

Independent claim 1 recites:

1. An apparatus for transmitting, receiving and recording two-way conversation data between at least two remote locations, comprising:
 - a wireless communication device;
 - a memory coupled to the wireless communication device for storing two-way conversation data in digital form;
 - a device interface for communicatively coupling the wireless communication device to a remote storage device and sending the stored two-way conversation data to the remote storage device; and
 - a user interface configured to allow a user of the wireless communication device to access, by way of a wireless network, the two-way conversation data stored in the remote storage device, the user interface including a plurality of data management functions that allows the user of the wireless communication device to manage, by way of the wireless network, the two-way conversation data stored in the remote storage device, the plurality of data management functions including functions for editing and translating the two-way conversation data stored in the remote storage device.

Emphasis added. Independent claims 8 and 22 also include recitations directed to a plurality of data management functions including functions for editing and translating the two-way conversation data. The translating function allows users to translate recorded conversation data between different languages. For example, a user may translate two-way conversation data recorded in a first language to any other desired language. Applicants' specification, paragraph 0024.

On page 9 of the previous Office Action dated September 21, 2005, the Examiner admitted that the combination of Takagi, Walker, and Bulthuis "fails to teach translating the audio data stored in the storage location." In the current Office Action, the Examiner has changed this position and now asserts that the combination of Takagi, Walker, and Bulthuis teaches these claim elements. Office Action, pages 4, 6, and 8. More specifically, the Examiner now states that the combination of Takagi and Walker fails to teach a plurality of data management functions including "a function for translating the two-way conversation data stored in the remote storage device" but asserts that Bulthuis teaches these limitations. Office Action, pages 4, 6, and 8. Applicants respectfully disagree for at least the following reasons.

In the Office Action, the Examiner relies upon a transcribing feature disclosed in paragraph 0010 of Bulthuis to reject the independent claims. Office Action, pages 4, 6, and 8.

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However, the transcribing feature of Bulthuis is entirely different from translating two-way conversation data. Bulthuis discloses transcribing recorded communications from audio files to text files. Bulthuis, paragraph 0010. In contrast, the translating function recited in claims 1, 8, and 22 allows users to translate recorded conversation data between different languages, which is completely different from transcribing an audio file into a text file. Therefore, Bulthuis does not teach or suggest a plurality of data management functions including functions for editing and translating the two-way conversation data.

To the extent the Examiner may have interpreted claim limitations directed to translating conversation data to mean transcribing data from audio to text format, the interpretation is incorrect because the recited translating language is different from simply transcribing data to text format. As set forth in the Office Action, the Examiner relies upon the same disclosure in Bulthuis (i.e., paragraph 0010) to reject claim limitations recited in the dependent claims and directed to the plurality of data management functions including a function for converting the two-way conversation data stored in the storage location. See, e.g., claim 7. In doing so, the Examiner has interpreted both the translating function recited in the independent claims and the converting function recited in certain dependent claims to mean transcribing data from audio format to text format. This interpretation is incorrect because the translating function recited in the independent claims and the converting function recited in certain dependent claims do not claim the same thing. The doctrine of claim differentiation "normally means that limitations stated in dependent claims are not to be read into the independent claims from which they depend." *Karlin Techs., Inc. v. Surgical Dynamics, Inc.*, 177 F.3d 968, 971-72 (Fed. Cir. 1999). See also 35 U.S.C. §112, paragraph 4 (2000) ("[A] claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed.").

For the foregoing reasons, the Office Action fails to establish a *prima facie* case of obviousness against independent claims 1, 8, and 22, and the rejection of these claims under 35 U.S.C. §103(a) as being unpatentable over Takagi, Walker, and Bulthuis should be withdrawn. Claims 2-5, 9-12, 16, 21, 23, 24, and 30 are in condition for allowance at least as claims depending from independent claim 1, 8, or 22.

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III. Rejection of Claims 6 and 13 under 35 U.S.C. §103(a) as being unpatentable over Takagi, Walker, Bulhuis, and Sun

Sun does not cure, and the Examiner does not allege that Sun cures, the above-described deficiencies of Takagi, Walker, and Bulhuis. Therefore, the rejection of claims 6 and 13 should be withdrawn at least because these claims depend from independent claims 1 and 8, respectively.

IV. Rejection of Claims 7, 14, 18, 26, and 27 under 35 U.S.C. §103(a) as being unpatentable over Takagi, Walker, Bulhuis, Sun, and Kek

Kek does not cure, and the Examiner does not allege that Kek cures, the above-described deficiencies of Takagi, Walker, Bulhuis, and Sun. Therefore, the rejection of claims 7, 14, 18, 26, and 27 should be withdrawn at least because these claims depend from independent claims 1, 8, and 22, respectively.

Moreover, without the improper use of hindsight, one of ordinary skill in the art would not have been motivated to combine the five different references relied upon to reject claims 7, 14, 18, 26, and 27. See, e.g. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780, (Fed. Cir. 1992) ("it is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious").

For the foregoing reasons, the Office Action fails to establish a *prima facie* case of obviousness against claims 7, 14, 18, 26, and 27, and the rejection of these claims under 35 U.S.C. §103(a) as being unpatentable over Takagi, Walker, Bulhuis, Sun, and Kek should be withdrawn.

V. Rejection of Claims 19, 20, 28, and 29 under 35 U.S.C. §103(a) as being unpatentable over Takagi, Walker, Bulhuis, Sun, Kek, and Langhart

Langhart does not cure the above-described deficiencies of Takagi, Walker, Bulhuis, Sun, and Kek. Therefore, the rejection of claims 19, 20, 28, and 29 should be withdrawn at least because these claims depend from independent claims 1, 8, and 22, respectively. In addition, claims 19, 20, 28, and 29 recite independently patentable subject matter.

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A. Claims 19 and 28

Claims 19 and 28 include language directed to the translating function being conducted by a text translation service that converts at least a portion of the text data from a first language to a second language. The text translation service allows users to translate recorded conversation data between different languages. For example, a user may translate two-way conversation data recorded in a first language to any other desired language. Applicants' specification, paragraph 0024.

On pages 12 and 13 of the Office Action, the Examiner relies upon paragraphs 0028 and 0029 of Langhart to reject claims 19 and 28. In particular, the Examiner asserts that these sections of Langhart disclose both a text translation service that converts at least a portion of the text data from a first language to a second language and an audio translation service that translates at least a portion of the audio data from a first language to a second language. Applicants respectfully disagree because the cited sections of Langhart are unrelated to translating from a first language to a second language. Similar to Bulhuis, paragraph 0028 of Langhart is limited to a disclosure of a speech recognition unit that analyzes and converts digitized voice signals to text data. This is nothing more than transcribing data from an audio format to a text format, which for the same reasons described above, is entirely different from translating data from a first language to a second language.

Paragraph 0029 of Langhart discloses a conversation recording unit (103) that "formats the text data as a Web page and transmits that Web page to the server so that a user can access it...by enclosing the text data in a markup language such as Hypertext Markup Language ("HTML")." However, formatting text data as a Web page is entirely different from translating data from a first language to a second language at least because enclosing text data in HTML markup tags does not translate the text data. In contrast, the text data, without being translated from a first language to a second language, is simply inserted in HTML markup tags, which tags indicate how a web browser should display the text data to a user. Langhart, paragraph 0029.

Moreover, for the same reasons described above, without the impermissible use of hindsight, one of ordinary skill in the art would not have been motivated to combine the six different references relied upon to reject claims 19 and 28.

For the foregoing reasons, the Office Action fails to establish a *prima facie* case of obviousness against claims 19 and 28, and the rejection of these claims under 35 U.S.C. §103(a)

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as being unpatentable over Takagi, Walker, Bulthuis, Sun, Kek, and Langhart should be withdrawn.

B. Claims 20 and 29

Claims 20 and 29 include language directed to the translating function being conducted by an audio translation service that translates at least a portion of the audio data from a first language to a second language. The audio translation service allows users to translate recorded conversation data between different languages. For example, a user may translate two-way conversation data recorded in a first language to any other desired language. Applicants' specification, paragraph 0024.

In rejecting claims 20 and 29, the Examiner relies upon the same reasoning used to reject claims 19 and 28. Office Action, page 13. Therefore, the rejection of claims 20 and 29 should be withdrawn for the same reasons described above. In addition, the insertion of text data into HTML markup tags as disclosed in Langhart is limited to text data and does not include any teaching or suggestion of translating audio data from a first language to a second language.

Moreover, for the same reasons described above, without the impermissible use of hindsight, one of ordinary skill in the art would not have been motivated to combine the six different references relied upon to reject claims 19 and 28.

For the foregoing reasons, the Office Action fails to establish a *prima facie* case of obviousness against claims 20 and 29, and the rejection of these claims under 35 U.S.C. §103(a) as being unpatentable over Takagi, Walker, Bulthuis, Sun, Kek, and Langhart should be withdrawn.

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CONCLUSION

All rejections have been addressed. In view of the above, the presently pending claims are believed to be in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested and the Examiner is respectfully requested to pass this application to issue. It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 07-2347. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136(a) is hereby made, the fee for which should be charged against the aforementioned account.

Respectfully submitted,

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CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being transmitted by facsimile to the United States Patent Office at 571-273-8300.

Dated: April 7, 2006

Signature:  (Christian R. Andersen)